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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,295	10/21/2003	Murray S. Toas	D0932-00339	2364
8933 7590 01/16/2007 DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			EXAMINER SPAHN, GAY	
			ART UNIT 3635	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/690,295

Applicant(s)

TOAS ET AL.

Examiner

Gay Ann Spahn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions - Election of Species Requirement

This application contains claims directed to TWO GROUPS OF SPECIES from which Applicants must elect a single species.

The FIRST GROUP OF SPECIES (i.e., species of separation means) from which Applicants must elect a single species is:

GROUP I, SPECIES I - Fig. 1
GROUP I, SPECIES II - Fig. 4;
GROUP I, SPECIES III - Fig. 5;
GROUP I, SPECIES IV - Fig. 6A;
GROUP I, SPECIES V - Fig. 7;
GROUP I, SPECIES VI - Fig. 8A;
GROUP I, SPECIES VII - Fig. 9A;
OR
GROUP I, SPECIES VIII - Fig. 10A.

The GROUP I SPECIES are independent or distinct because:

SPECIES I (i.e., Fig. 1) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of facing material (40) having perforations (42);

SPECIES II (i.e., Fig. 4) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of facing sheets (400a-400d) having

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overlap areas (44), wherein the two outer facing sheets (400a, 400d) having fastening tabs or nailing hems (41);

SPECIES III (i.e., Fig. 5) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of visual marking lines (46) on the facing material (40);

SPECIES IV (i.e., Fig. 6A) discloses an insulation blanket (10) having a fibrous layer (20) and separation means including an inner connecting strip (48) adhered to the layer (20) such that the facing sheets (140a-140d) are adjacent to each other, but do not overlap;

SPECIES V (i.e., Fig. 7) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of facing material having folds or creases or score lines (50);

SPECIES VI (i.e., Fig. 8A) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of a sealing fin (54) between separate facing sheets (51, 51, . . .) such that an adhesive material (57) is applied between the edges (55, 56) of the facing sheets (51, 51, . . .);

SPECIES VII (i.e., Fig. 9A/9B) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of a folded fin (58) between separate facing sheets (51, 51, . . .), but no adhesive material between the edges (55, 56) of the facing sheets (51, 51, . . .); and

SPECIES VIII (i.e., Fig. 10A/10B) discloses an insulation blanket (10) having a fibrous layer (20) and separation means in the form of a crimp fold (60) formed by

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folding one edge (62) of a first facing sheet (61a) over the edge (64) of the second facing sheet (61b).

The SECOND GROUP OF SPECIES (i.e., species of layer (20) divided in to four sections or two sections) from which Applicants must elect a single species is:

GROUP II, SPECIES I - layer (20) is divided into four sections (i.e., paragraph no. [0044] and claims 12-14);

OR

GROUP II, SPECIES II - layer (20) is divided into two sections (i.e., paragraph no. [0045] and claims 15-18).

The GROUP II SPECIES are independent or distinct because they are mutually exclusive (i.e., four section versus two sections).

Further, if Applicants elect GROUP II, SPECIES I (i.e., layer (20) is divided into four sections), then Applicants must elect between the three SUBSPECIES as follow:

GROUP II, SPECIES I, SUBSPECIES I - three sections of 3-and-3/4th inch width and one section of 4 inch width (i.e., claim 12);

GROUP II, SPECIES I, SUBSPECIES II - three sections of 4-and-1/4th inch width and one section of 2-and-1/2 inch width (i.e., claim 13);

OR

GROUP II, SPECIES I, SUBSPECIES III - all four sections have different widths (i.e., sections of 6 inch, 2 inch, 3 inch, and 4 inch widths as recited in claim 14).

Further, if Applicants elect GROUP II, SPECIES I (i.e., layer (20) is divided into four sections), then Applicants must elect between the four SUBSPECIES as follow:

GROUP II, SPECIES II, SUBSPECIES I - one section of 4 inch width and one section of 11 inch width (i.e., claim 15);

GROUP II, SPECIES II, SUBSPECIES II - one section of 4 inch width and one section of 11-and-1/4th inch width (i.e., claim 16);

GROUP II, SPECIES II, SUBSPECIES III - one section of 8-and-3/4th inch width and one section of 6-and-1/2 inch width (i.e., claim 17);

OR

GROUP II, SPECIES II, SUBSPECIES IV - one section of 9 inch width and one section of 6 inch width (i.e., claim 18).

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, independent claims 1, 19 and 20 appear to be generic.

Applicants are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument

that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

A telephone call to Applicants to request an oral election to the above election of species requirement as not made due the complexity of the election.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko N. Slack can be reached on (571)-272-6848. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA5
Gay Ann Spahn, Patent Examiner
January 6, 2007

Robert Canfield
Primary Examiner

